



● **Board of Directors**
Communications and Legislation Committee

6/11/2013 Board Meeting

8-3

Subject

Support and seek amendments to AB 803 (Gomez, D – Los Angeles) – Water Recycling Act of 2013

Executive Summary

The Water Recycling Act of 2013 was originally introduced by then-Assembly Member Ben Hueso (D-San Diego). After Assembly Member Hueso was elected to the Senate to fill a vacancy, Assembly Member Jimmy Gomez (D-Los Angeles) assumed primary authorship of AB 803 ([Attachment 1](#)). The bill, sponsored by the WaterReuse Association, would harmonize recycled water spill reporting requirements and would authorize Regional Water Quality Control Boards to permit the introduction of Advanced Treated Purified Water into conveyance systems prior to comingling with any raw water or other water source.

Details

Background

Water recycling (also termed “reuse” or “reclamation”) involves treating municipal wastewater to a level such that it is suitable for either non-potable or potable purposes. Non-potable water reuse includes agricultural or landscape irrigation, and industrial or residential dual-plumbed systems. Potable water reuse in California is currently achieved through “indirect potable reuse” whereby recycled water supplements a public water supply after passing through an appropriate environmental buffer. Environmental buffers provide additional public health protection by both diluting and retaining the treated wastewater through either confined groundwater aquifers or surface water reservoirs.

Regulatory oversight of water recycling is achieved through a coordinated effort between the California Department of Public Health (CDPH), State Water Resources Control Board, and Regional Water Quality Control Boards (RWQCBs). The RWQCBs rely on the expertise of CDPH to establish wastewater discharge permit conditions protective of public health for the intended use of the water. The RWQCBs have primary authority to enforce wastewater discharge permits. CDPH is the primary state agency responsible for protection of public health and the regulation of drinking water and has the responsibility to identify when and under what conditions a raw water supply is suitable for potable purposes.

AB 803 would authorize the introduction of advanced treated purified water (ATPW) into a raw water supply and defines ATPW as wastewater treated by a method at least as effective as membrane filtration, reverse osmosis, advanced oxidation, disinfection, and engineered reliability features (or an alternative approved by CDPH).

Support for AB 803 includes: WaterReuse (sponsor), Association of California Water Agencies, California Municipal Utilities Association, California Association of Sanitation Agencies, California Coastkeeper Alliance, Eastern Municipal Water District, Irvine Ranch Water District, San Diego County Water Authority, and West Basin Municipal Water District, among others. There are no water agencies or industry associations on record as opposing AB 803. The only registered opposition is the Russian River Watershed Protection Committee.

Impacts/Effects on Metropolitan

Increased use of recycled water would benefit Metropolitan and its member agencies by helping to increase water reliability and meet the 20 percent water use efficiency goal called for in the 2009 Water Conservation Act. AB 803 would facilitate increased use of recycled water. The April 22, 2013, version of AB 803 contains two principal provisions: (1) it eliminates inconsistent recycled water spill reporting thresholds by making spill reporting requirements in the Health and Safety Code consistent with reporting requirements in the Water Code; and (2) it clarifies the existing authority of RWQCBs to permit the discharge of ATPW for introduction into a conveyance system prior to comingling of raw water or other water source. The bill defines ATPW as “water of wastewater origin treated with a treatment method at least as effective as membrane filtration, reverse osmosis, advanced oxidation, disinfection, and engineered reliability features or other suitable treatment as approved by the State Department of Public Health.”

As currently written, AB 803 allows introduction of ATPW either into raw water or “other water sources,” a term which is undefined and implies that introduction directly to treated water may be possible. The introduction of ATPW into treated water would be inconsistent with the bill intent and would necessitate the consideration of additional regulatory, water quality, and operational requirements for treated water deliveries.

Recommended Amendments

The quality of Metropolitan’s source water is critical to providing water that meets drinking water standards in a cost effective manner. Accordingly, Metropolitan consistently examines activities that could alter its source water supplies. Introduction of an alternative water supply directly into Metropolitan’s system—albeit highly treated wastewater—would require extensive evaluation to address operational, financial, water quality, regulatory, and customer-related issues.

Metropolitan staff recommends an amendment to AB 803 that would provide public agencies who own water conveyance and treatment facilities with a right to consent to the introduction of ATPW into their facilities. Owners and operators would then have the right to place conditions on the inclusion of ATPW and any other waters into their facilities. These conditions would take into account operational integrity of the facilities, water quality, cost impacts, consumer confidence, etc. Additionally, Metropolitan staff recommends deletion of the terms “other water source.” Inclusion of this language may imply that ATPW may be discharged directly into treated water as well as raw water. Metropolitan staff recommends deleting this language so it is clear that ATPW should be discharged only into raw water upstream of a water treatment plant.

Inclusion of amendments, along these lines, supports the goal of increased recycled water use without compromising the operational, financial, water quality, regulatory, and customer interests of Metropolitan and other similar drinking water agencies.

Policy

Drinking Water Quality (M.I. 46191) April 12, 2005: Support legislative and administrative efforts to adopt cost-effective drinking water regulations to help ensure the protection of human health, maintain or improve water quality aesthetics.

Recycled Water (M.I. 42820) February 10, 1998: Support continuous review, appropriate revision and streamlining of water recycling regulations and uniform administration consistent with experience gained in operations, public health, and environmental protection. Support legislation and regulations that expand the types of recycled water uses consistent with protection of public health.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may

have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination that the proposed action is not subject to CEQA and authorize the General Manager to express Metropolitan’s support and seek amendments to AB 803.

Fiscal Impact: Uncertain at this time

Business Analysis: By expressing support for AB 803 and seeking amendments, Metropolitan will be advancing increased water recycling.

Option #2


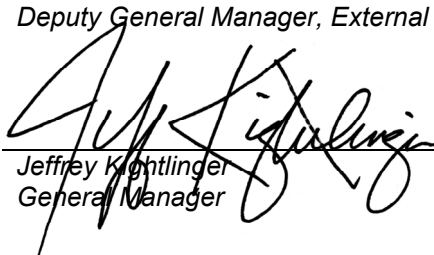
Take no position on AB 803.

Fiscal Impact: None

Business Analysis: Metropolitan would not be supporting increased water recycling under the approach outlined in AB 803.

Staff Recommendation

Option #1

	6/4/2013
Linda Waade Deputy General Manager, External Affairs	Date
	6/4/2013
Jeffrey Kightlinger General Manager	Date

Attachment 1 – Assembly Bill 803, as amended April 22, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL**No. 803**

Introduced by Assembly Member Gomez
(Principal coauthor: Senator Hueso)

February 21, 2013

An act to amend Section 5411.5 of, ~~and to add Article 7.1 (commencing with Section 116600) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Section 13263.7 to, and to add Article 4.1 (commencing with Section 13529.5) to Chapter 7 of Division 7 of, the Water Code, relating to recycled water.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 803, as amended, Gomez. Water Recycling Act of 2013.

(1) Existing law requires the State Department of Public Health to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. Existing regulations prescribe various requirements and prohibitions relating to recycled water.

~~This bill, the Water Recycling Act of 2013, would codify some of these regulations to, among other things, define various terms for the purpose of water recycling criteria, require the use of certain quality recycled water for specified uses with prescribed prohibitions, and modify prohibitions and requirements for dual-plumbed recycled water systems.~~

~~(2) Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the department~~

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~~various responsibilities and duties. Existing law authorizes the department to enact regulations and the department has enacted regulations relating to the protection of public water systems from unapproved water, including recycled water.~~

~~This bill would codify some of these regulations to, among other things, define various terms, specify plumbing requirements, prescribe certain protection to prevent backflow into the public water supply, and specify when a changeover device may be used.~~

~~(3) *water*. Existing law requires any person who, without regard to intent or negligence causes or permits any sewage or other waste, or the effluent of treated sewage or other waste to be discharged in or on any waters of the state, or where it probably will be discharged in or on any waters of the state, to immediately notify the local health officer of the director of environmental health of the discharge, as prescribed.~~

~~This bill, *the Water Recycling Act of 2013*, would provide that this notification requirement does not apply to an unauthorized discharge of effluent of treated sewage defined as recycled water, as defined.~~

~~(4)~~

~~(2) Existing law establishes the State Water Resources Control Board and the California regional water quality control boards as the principal state agencies with authority over matters relating to water quality.~~

~~This bill would authorize compliance with effluent limitations and any other permit or waste discharge requirements for the release or discharge of advanced treated purified water, as defined, into a conveyance facility at the point where the advanced treated purified water enters the conveyance facility but prior to commingling with any raw water or other water source.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Water Recycling Act of 2013.

3 SEC. 2. Section 5411.5 of the Health and Safety Code is
4 amended to read:

5 5411.5. (a) Any person who, without regard to intent or
6 negligence, causes or permits any sewage or other waste or the
7 effluent of treated sewage or other waste to be discharged in or on
8 any waters of the state, or discharged in or deposited where it is,

1 or probably will be, discharged in or on any waters of the state, as
2 soon as that person has knowledge of the discharge, shall
3 immediately notify the local health officer or the director of
4 environmental health of the discharge.

5 (b) Any person who fails to provide the notice required by this
6 section is guilty of a misdemeanor and shall be punished by a fine
7 of not less than five hundred dollars (\$500) nor more than one
8 thousand dollars (\$1,000), or imprisonment for less than one year,
9 or both the fine and imprisonment.

10 (c) The notification required by this section shall not apply to
11 a discharge authorized by law and in compliance with waste
12 discharge requirements or other requirements established by the
13 appropriate regional water quality control board or the State Water
14 Resources Control Board.

15 (d) The notification required by this section shall not apply to
16 an unauthorized discharge of effluent of treated sewage defined
17 as recycled water pursuant to Section 13050 or 13529.2 of the
18 Water Code.

19 ~~SEC. 3. Article 7.1 (commencing with Section 116600) is~~
20 ~~added to Chapter 4 of Part 12 of Division 104 of the Health and~~
21 ~~Safety Code, to read:~~

22

23 ~~Article 7.1. Protection of Water System~~

24

25 ~~116600. The following terms have the following meanings:~~

26 (a) ~~“Air-gap separation” or “AG” means a physical separation~~
27 ~~between the free-flowing discharge end of a water supply pipeline~~
28 ~~and an open or nonpressurized vessel. A plumbing gap separation~~
29 ~~is not an air-gap separation.~~

30 (b) ~~“Approved water supply” means a water supply whose~~
31 ~~potability is regulated by a state or local health agency.~~

32 (c) ~~“Auxiliary water supply” means any water supply other than~~
33 ~~that received from a public water system including recycled water~~
34 ~~as defined in Section 13050 of the Water Code.~~

35 (d) ~~“Changeover device” means a fitting or assembly that is~~
36 ~~used to change a supply of water from one source to another such~~
37 ~~that nonpotable and potable supplies cannot be connected at the~~
38 ~~same time.~~

39 (e) ~~“Cross connection” means a physical connection between~~
40 ~~a potable water system used to supply water for drinking purposes~~

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1 ~~and any source or system containing unapproved water or a~~
2 ~~substance that is not or cannot be approved as safe, wholesome,~~
3 ~~and potable. A plumbing gap separation is not a cross connection~~
4 ~~if it complies with the conditions of use described in Section~~
5 ~~116603.~~

6 (f) ~~“Double check valve assembly” or “DC” means an assembly~~
7 ~~of at least two independently acting check valves including tightly~~
8 ~~closing shut-off valves on each side of the check valve assembly~~
9 ~~and test cocks available for testing the watertightness of each check~~
10 ~~valve.~~

11 (g) ~~“Health agency” means the State Department of Public~~
12 ~~Health or the local health officer with respect to a small water~~
13 ~~system.~~

14 (h) ~~“Plumbing gap separation” is a physical separation of a~~
15 ~~water conveyance system such as a pipe. An example of a plumbing~~
16 ~~gap separation is removal of a spool or length of pipe. An air-gap~~
17 ~~separation is not a plumbing gap separation.~~

18 (i) ~~“Recycled water” is a wastewater which as a result of~~
19 ~~treatment is suitable for beneficial uses.~~

20 (j) ~~“Reduced pressure principle backflow prevention device”~~
21 ~~or “RP” means a backflow preventer incorporating not less than~~
22 ~~two check valves, an automatically operated differential relief~~
23 ~~valve located between the two check valves, a tightly closing~~
24 ~~shut-off valve on each side of the check valve assembly, and~~
25 ~~equipped with necessary test cocks for testing.~~

26 (k) ~~“User connection” means the point of connection of a user’s~~
27 ~~pipng to the water supplier’s facilities.~~

28 (l) ~~“User supervisor” means the person responsible for the~~
29 ~~avoidance of cross connections during the installation, operation,~~
30 ~~and maintenance of the water user’s pipelines and equipment.~~

31 (m) ~~“Water supplier” means the person who owns or operates~~
32 ~~or owns and operates the public water system.~~

33 (n) ~~“Water user” means the person who owns or operates the~~
34 ~~public water system.~~

35 116601. (a) ~~An approved air gap shall be at least double~~
36 ~~diameter of the supply pipe measured vertically above the overflow~~
37 ~~rim of the vessel but at no time less than one inch. An approved~~
38 ~~plumbing gap is a minimum of 12 inches and is installed and~~
39 ~~maintained in compliance with Section 116603.~~

1 (b) ~~A reduced pressure principle backflow assembly is required~~
 2 ~~on a changeover device to protect the alternative supply of water.~~
 3 ~~116602. The type of protection that shall be provided to prevent~~
 4 ~~backflow into the public water supply shall be commensurate with~~
 5 ~~the degree of hazard that exists on the consumer's premises. The~~
 6 ~~type of protective device that may be required (listed in an~~
 7 ~~increasing level of protection) includes: Double Check Valve~~
 8 ~~Assembly-(DC), Reduced Pressure Principle Backflow Prevention~~
 9 ~~Device-(RP), and an Air-gap Separation-(AG). The water user~~
 10 ~~may choose a higher level of protection than required by the water~~
 11 ~~supplier. The minimum types of backflow protection required to~~
 12 ~~protect the public water supply, at the water user's connection to~~
 13 ~~premises with various degrees of hazard are given in Table 1.~~
 14 ~~Situations which are not covered in Table 1 shall be evaluated on~~
 15 ~~a case-by-case basis and the appropriate backflow protection shall~~
 16 ~~be determined by the water supplier or health agency.~~

17
 18 TABLE 1
 19 TYPE OF BACKFLOW PROTECTION REQUIRED

<i>Degree of Hazard</i>	<i>Minimum type of Backflow Prevention</i>
(a) Sewage and Hazardous Substances	
(1) Premises where there are waste water pumping, treatment plants, or both, and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(2) Premises where hazardous substances are handled in any manner in which the substances may enter the potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(3) Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.	RP
(b) Auxiliary Water Supplies	
(1) Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system.	AG

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- 1 A RP or DC may be provided in lieu of an AG if approved by
 2 the health agency and water supplier.
- 3 ~~(2) Premises where there is an unapproved auxiliary water RP
 4 supply and there are no interconnections with the public water
 5 system. A DC may be provided in lieu of a RP if approved by
 6 the health agency and water supplier.~~
- 7 ~~(c) Recycled Water~~
- 8 ~~(1) Premises where the public water system is used to AG
 9 supplement the recycled water supply.~~
- 10 ~~(2) Nonresidential premises where recycled water is used, RP
 11 other than as allowed in paragraph (3), and there is no
 12 interconnection with the potable water system.~~
- 13 ~~(3) Residences using recycled water for landscape irrigation DC
 14 as part of an approved dual plumbed use area established
 15 pursuant to sections 60313 through 60316 unless the recycled
 16 water supplier obtains approval of the local public water
 17 supplier, or the department if the water supplier is also the
 18 supplier of the recycled water, to utilize an alternative backflow
 19 protection plan that includes an annual inspection and annual
 20 shutdown test of the recycled water and potable water systems
 21 pursuant to subsection 60316(a).~~
- 22 ~~(d) Fire Protection Systems~~
- 23 ~~(1) Premises where the fire system is directly supplied from DC
 24 the public water system and there is an unapproved auxiliary
 25 water supply on or to the premises (not interconnected).~~
- 26 ~~(2) Premises where the fire system is supplied from the public AG
 27 water system and interconnected with an unapproved auxiliary
 28 water supply. A RP may be provided in lieu of an AG if
 29 approved by the health agency and water supplier.~~
- 30 ~~(3) Premises where the fire system is supplied from the public DC
 31 water system and where either elevated storage tanks or fire
 32 pumps which take suction from private reservoirs or tanks are
 33 used.~~
- 34 ~~(4) Buildings where the fire system is supplied from the public DC
 35 water system and where recycled water is used in a separate
 36 piping system within the same building.~~
- 37 ~~(e) Dockside Watering Points and Marine Facilities~~
- 38 ~~(1) Pier hydrants for supplying water to vessels for any RP
 39 purpose.~~
- 40 ~~(2) Premises where there are marine facilities. RP~~

1 (f) Premises where entry is restricted so that inspections for RP
2 cross connections cannot be made with sufficient frequency
3 or at sufficiently short notice to assure that they do not exist.

4 (g) Premises where there is a repeated history of cross RP
5 connections being established or reestablished.

6
7 ~~116603.—A changeover device may be used under all of the~~
8 ~~following conditions:~~

9 ~~(a) In emergency situations:~~

10 ~~(b) When the alternative water supply is locked and under the~~
11 ~~control of the permitted water agency such that the permitted water~~
12 ~~agency must take action to make the alternative supply of water~~
13 ~~available.~~

14 ~~(c) If potable water is the alternative supply and is to be supplied~~
15 ~~to a nonpotable system using a changeover device, the permitted~~
16 ~~water agency shall approve and supervise the conversion.~~

17 ~~(d) The reduced pressure principle backflow assembly that is~~
18 ~~required on the alternative water supply shall be located as close~~
19 ~~to the supply as practicable.~~

20 ~~(e) The permitted water agency shall notify the department of~~
21 ~~the installation of the changeover device within 24 hours of its~~
22 ~~occurrence. The notification shall include when the changeover~~
23 ~~device shall be removed.~~

24 ~~116604.—(a) (1) The Legislature finds and declares that~~
25 ~~Sections 7583, 7604, and 7605 of Title 17 of the California Code~~
26 ~~of Regulations are inconsistent with Sections 116600 to 116603,~~
27 ~~inclusive.~~

28 ~~(2) The department shall not apply the regulations specified in~~
29 ~~paragraph (1) and shall repeal them.~~

30 ~~(b) The department shall apply Sections 116600 to 116603,~~
31 ~~inclusive, unless the department makes a finding that the adoption~~
32 ~~of different water system protection provisions is required by~~
33 ~~circumstances that are changed from those prevailing on January~~
34 ~~1, 2014.~~

35 ~~(c) If the department makes the finding described in subdivision~~
36 ~~(b), the department shall adopt new regulations for the purposes~~
37 ~~of Chapter 4 (commencing with Section 116270) of Part 12 of~~
38 ~~Division 104 in accordance with the Administrative Procedure Act~~
39 ~~(Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
40 ~~Division 3 of Title 2 of the Government Code). Regulations~~

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1 ~~adopted pursuant to this subdivision shall prevail over the~~
2 ~~provisions in Sections 116600 to 116603, inclusive.~~

3 ~~SEC. 4.~~

4 *SEC. 3.* Section 13263.7 is added to the Water Code, to read:

5 13263.7. (a) Compliance with effluent limitations and any
6 other permit or waste discharge requirements, as appropriate, for
7 the release or discharge of advanced treated purified water into a
8 conveyance facility may be determined at the point where the
9 advanced treated purified water enters the conveyance facility but
10 prior to commingling with any raw water or other water source.

11 (b) For purposes of this section:

12 (1) “Advanced treated purified water” means water of
13 wastewater origin treated with a treatment method at least as
14 effective as membrane filtration, reverse osmosis, advanced
15 oxidation, disinfection, and engineered reliability features or other
16 suitable treatment as approved by the State Department of Public
17 Health.

18 (2) “Raw water” means surface water or groundwater in its
19 naturally occurring state prior to treatment.

20 ~~SEC. 5. Article 4.1 (commencing with Section 13529.5) is~~
21 ~~added to Chapter 7 of Division 7 of the Water Code, to read:~~

22

23 ~~Article 4.1. Water Recycling Criteria~~

24

25 ~~13529.5. The following terms have the following meanings:~~

26 (a) ~~“Coagulated wastewater” means oxidized wastewater in~~
27 ~~which colloidal and finely divided suspended matter have been~~
28 ~~destabilized and agglomerated upstream from a filter by the~~
29 ~~addition of suitable floe-forming chemicals or by biological~~
30 ~~process.~~

31 (b) ~~“Conventional treatment” means a treatment chain that~~
32 ~~utilizes a sedimentation unit process and filtration process and~~
33 ~~produces an effluent that meets the definition for disinfected~~
34 ~~tertiary recycled water.~~

35 (c) ~~“Dry weather period” means a period of little or no rainfall.~~

36 (d) ~~“Dual plumbed system” or “dual plumbed” means a system~~
37 ~~that utilizes separate piping systems for recycled water and potable~~
38 ~~water within a facility and where the recycled water is used for~~
39 ~~either of the following purposes:~~

- 1 ~~(1) To serve plumbing outlets, excluding fire suppression~~
2 ~~systems, within a building.~~
- 3 ~~(2) Outdoor landscape irrigation at individual residences where~~
4 ~~the water systems, including the irrigation systems, are under the~~
5 ~~control and supervision of the owner or tenant and not a~~
6 ~~homeowners' association or equal.~~
- 7 ~~(e) "Filtered wastewater" means an oxidized wastewater that~~
8 ~~meets both of the following criteria:~~
- 9 ~~(1) Has been through natural undisturbed soils or a bed of filter~~
10 ~~media so that the turbidity of the filtered wastewater does not~~
11 ~~exceed any of the following:~~
- 12 ~~(A) An average of 2 NTU within a 24-hour period.~~
13 ~~(B) Five NTU more than 5 percent of the time within a 24-hour~~
14 ~~period.~~
- 15 ~~(C) Ten NTU at any time.~~
- 16 ~~(2) Has been passed through a microfiltration, ultrafiltration,~~
17 ~~nanofiltration, or reverse osmosis membrane so that the turbidity~~
18 ~~of the filtered wastewater does not exceed either of the following:~~
- 19 ~~(A) Two-tenths NTU more than 5 percent of the time within a~~
20 ~~24-hour period.~~
- 21 ~~(B) One-half NTU at any time.~~
- 22 ~~(f) "NTU" means nephelometric turbidity unit.~~
- 23 ~~(g) "Peak dry weather design flow" means the arithmetic mean~~
24 ~~of the maximum peak flow rates sustained over three hours during~~
25 ~~the maximum 24-hour dry weather period.~~
- 26 ~~(h) "Regulatory agency" means the State Department of Public~~
27 ~~Health or a regional water quality control board that has jurisdiction~~
28 ~~over the recycling plant and use areas.~~
- 29 ~~13529.55.—(a) Recycled water used for the irrigation of the~~
30 ~~following shall be a disinfected tertiary recycled water, except that~~
31 ~~for filtration pursuant to paragraph (1) of subdivision (e) of Section~~
32 ~~13529.5 coagulation need not be used as part of the treatment~~
33 ~~process provided that the filter effluent turbidity does not exceed~~
34 ~~2 NTU, the turbidity of the influent to the filters is continuously~~
35 ~~measured, the influent turbidity does not exceed 5 NTU for more~~
36 ~~than 15 minutes and never exceeds 10 NTU, and that there is the~~
37 ~~capability to automatically activate chemical addition or divert the~~
38 ~~wastewater should the filter influent turbidity exceed 5 NTU for~~
39 ~~more than 15 minutes:~~

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- 1 ~~(1) Food crops, including all edible root crops, where the~~
2 ~~recycled water comes into contact with the edible portion of the~~
3 ~~crop.~~
4 ~~(2) Parks and playgrounds.~~
5 ~~(3) School yards.~~
6 ~~(4) Residential landscaping.~~
7 ~~(5) Unrestricted access golf courses.~~
8 ~~(6) Any other irrigation use not specified in this section and not~~
9 ~~prohibited by other sections of the California Code of Regulations.~~
10 ~~(b) Recycled water used for the irrigation of food crops where~~
11 ~~the edible portion is produced above ground and not contacted by~~
12 ~~the recycled water shall be at least disinfected secondary-2.2~~
13 ~~recycled water.~~
14 ~~(c) Recycled water used for the irrigation of the following shall~~
15 ~~be at least disinfected secondary-2.3 recycled water:~~
16 ~~(1) Cemeteries.~~
17 ~~(2) Freeway landscaping.~~
18 ~~(3) Restricted access golf courses.~~
19 ~~(4) Ornamental nursery stock and sod farms where access by~~
20 ~~the general public is not restricted.~~
21 ~~(5) Pasture for animals producing milk for human consumption.~~
22 ~~(6) Any nonedible vegetation where access is controlled so that~~
23 ~~the irrigated area cannot be used as if it were part of a park,~~
24 ~~playground, or schoolyard.~~
25 ~~(d) Recycled wastewater used for the irrigation of the following~~
26 ~~shall be at least undisinfected secondary recycled water:~~
27 ~~(1) Orchards where the recycled water does not come into~~
28 ~~contact with the edible portion of the crop.~~
29 ~~(2) Vineyards where the recycled water does not come into~~
30 ~~contact with the edible portion of the crop.~~
31 ~~(3) Nonfood-bearing trees. This category shall include a~~
32 ~~Christmas tree farm provided no irrigation with recycled water~~
33 ~~occurs for a period of 14 days prior to harvesting or allowing access~~
34 ~~by the general public.~~
35 ~~(4) Fodder and fiber crops and pasture for animals not producing~~
36 ~~milk for human consumption.~~
37 ~~(5) Seed crops not eaten by humans.~~
38 ~~(6) Food crops that must undergo commercial~~
39 ~~pathogen-destroying processing before being consumed by humans.~~

1 ~~(7) Ornamental nursery stock and sod farms provided no~~
2 ~~irrigation with recycled water occurs for a period of 14 days prior~~
3 ~~to harvesting, retail sale, or allowing access by the general public.~~

4 ~~(e) No recycled water used for irrigation, or soil that has been~~
5 ~~irrigated with recycled water, shall come into contact with the~~
6 ~~edible portion of food crops eaten raw by humans unless the~~
7 ~~recycled water complies with subdivision (a).~~

8 ~~13529.6. (a) Recycled water used for the following shall be~~
9 ~~disinfected tertiary recycled water, except that for filtration being~~
10 ~~provided pursuant to paragraph (1) of subdivision (e) of Section~~
11 ~~13529.5 coagulation need not be used as part of the treatment~~
12 ~~process provided that the filter effluent turbidity does not exceed~~
13 ~~2 NTU, the turbidity of the influent to the filters is continuously~~
14 ~~measured, the influent turbidity does not exceed 5 NTU for more~~
15 ~~than 15 minutes and never exceeds 10 NTU, and that there is the~~
16 ~~capability to automatically activate chemical addition or divert the~~
17 ~~wastewater should the filter influent turbidity exceed 5 NTU for~~
18 ~~more than 15 minutes:~~

19 ~~(1) Flushing toilets and urinals.~~

20 ~~(2) Priming drain traps.~~

21 ~~(3) Industrial process water that may come into contact with~~
22 ~~workers.~~

23 ~~(4) Structural firefighting.~~

24 ~~(5) Decorative fountains.~~

25 ~~(6) Commercial laundries.~~

26 ~~(7) Consolidation of backfill around potable water pipelines.~~

27 ~~(8) Artificial snow making for commercial outdoor use.~~

28 ~~(9) Vehicle washing, including hand washes if the recycled~~
29 ~~water is not heated, where the general public is excluded from the~~
30 ~~washing process.~~

31 ~~(b) Recycled water used for the following uses shall be at least~~
32 ~~disinfected secondary-23 recycled water:~~

33 ~~(1) Industrial boiler feed.~~

34 ~~(2) Nonstructural firefighting.~~

35 ~~(3) Backfill consolidation around nonpotable piping.~~

36 ~~(4) Soil compaction.~~

37 ~~(5) Mixing concrete.~~

38 ~~(6) Dust control on roads and streets.~~

39 ~~(7) Cleaning roads, sidewalks, and outdoor work areas.~~

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- 1 ~~(8) Industrial process water that will not come into contact with~~
2 ~~workers.~~
- 3 ~~(e) Recycled water used for flushing sanitary sewers shall be at~~
4 ~~least undisinfected secondary recycled water.~~
- 5 ~~13529.65. (a) No irrigation with disinfected tertiary recycled~~
6 ~~water shall take place within 50 feet of any domestic water supply~~
7 ~~well unless all of the following conditions have been met:~~
- 8 ~~(1) A geological investigation demonstrates that an aquitard~~
9 ~~exists at the well between the uppermost aquifer being drawn from~~
10 ~~and the ground surface.~~
- 11 ~~(2) The well contains an annular seal that extends from the~~
12 ~~surface into the aquitard.~~
- 13 ~~(3) The well is housed to prevent any recycled water spray from~~
14 ~~coming into contact with the wellhead facilities.~~
- 15 ~~(4) The ground surface immediately around the wellhead is~~
16 ~~contoured to allow surface water to drain away from the well.~~
- 17 ~~(5) The owner of the well approves of the elimination of the~~
18 ~~buffer zone requirement.~~
- 19 ~~(b) No impoundment of disinfected tertiary recycled water shall~~
20 ~~occur within 100 feet of any domestic water supply well.~~
- 21 ~~(c) No irrigation with, or impoundment of, disinfected~~
22 ~~secondary-2.2 or disinfected secondary-23 recycled water shall~~
23 ~~take place within 100 feet of any domestic water supply well.~~
- 24 ~~(d) No irrigation with, or impoundment of, undisinfected~~
25 ~~secondary recycled water shall take place within 150 feet of any~~
26 ~~domestic water supply well.~~
- 27 ~~(e) Any use of recycled water shall comply with the following:~~
- 28 ~~(1) Any irrigation runoff shall be confined to the recycled water~~
29 ~~use area, unless the runoff does not pose a public health threat and~~
30 ~~is authorized by the regulatory agency.~~
- 31 ~~(2) Spray, mist, or runoff shall not enter dwellings or food~~
32 ~~handling facilities.~~
- 33 ~~(3) Drinking water fountains shall be protected against contact~~
34 ~~with recycled water spray, mist, or runoff.~~
- 35 ~~(f) No spray irrigation of any recycled water, other than~~
36 ~~disinfected tertiary recycled water, shall take place within 100 feet~~
37 ~~of a residence or a place where public exposure could be similar~~
38 ~~to that of a park, playground, or schoolyard.~~
- 39 ~~(g) All use areas where recycled water is used that are accessible~~
40 ~~to the public shall be posted with signs that are visible to the public,~~

1 in a size no less than four inches high by eight inches wide, that
2 include the following wording: “RECYCLED WATER – DO NOT
3 DRINK.” Each sign shall display an international symbol similar
4 to that shown in figure 60310-A. The State Department of Public
5 Health may accept alternative signage and wording, or an
6 educational program, provided the applicant demonstrates to the
7 State Department of Public Health that the alternative approach
8 will assure an equivalent degree of public notification.

9 (h) Except as allowed under Section 116602 of the Health and
10 Safety Code, no physical connection shall be made or allowed to
11 exist between any recycled water system and any separate system
12 conveying potable water.

13 (i) The portions of the recycled water piping system that are in
14 areas subject to access by the general public shall not include any
15 hose bibbs except where adequate signage and notification are in
16 place and regularly inspected to insure the general public has proper
17 notice. Only quick couplers that differ from those used on the
18 potable water system shall be used on the portions of the recycled
19 water piping system in areas subject to public access.

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- 1 ~~PRINTER PLEASE NOTE: TIP-IN MATERIAL TO BE~~
- 2 ~~INSERTED~~

1 ~~13529.7. (a) No person other than a recycled water agency~~
2 ~~shall deliver recycled water to a dual-plumbed facility.~~

3 ~~(b) No recycled water agency shall deliver recycled water to a~~
4 ~~facility using a dual-plumbed system unless the report required~~
5 ~~pursuant to Section 13522.5, and that meets the requirements set~~
6 ~~forth in Section 13529.75, has been submitted to, and approved~~
7 ~~by, the regulatory agency.~~

8 ~~13529.75. The public water supply shall not be used as a~~
9 ~~backup or supplemental source of water for a dual-plumbed~~
10 ~~recycled water system unless the connection between the two~~
11 ~~systems is protected by either of the following:~~

12 ~~(a) An air-gap separation that complies with the requirements~~
13 ~~of subdivision (a) of Section 7602 and subdivision (a) of Section~~
14 ~~7603 of Title 17 of the California Code of Regulations, and the~~
15 ~~approval of the public water system has been obtained.~~

16 ~~(b) A plumbing gap separation that complies with the~~
17 ~~requirements of Section 116603 of the Health and Safety Code~~
18 ~~and the approval of the public water system has been obtained.~~

19 ~~13529.8. (a) Prior to the initial operation of the dual-plumbed~~
20 ~~recycled water system and annually thereafter, the recycled water~~
21 ~~agency shall ensure that the dual-plumbed system within each~~
22 ~~facility and use area is inspected for possible cross connections~~
23 ~~with the potable water system. The recycled water system shall be~~
24 ~~inspected and tested in accordance with the following:~~

25 ~~(1) An initial cross-connection test before the initial operation~~
26 ~~of the recycled water system.~~

27 ~~(2) An annual visual system inspection.~~

28 ~~(3) A cross-connection test when there is material reason to~~
29 ~~believe that the potable water or recycled water system has been~~
30 ~~compromised.~~

31 ~~(4) A cross-connection test following remediation of a~~
32 ~~discovered cross connection.~~

33 ~~(b) A material reason to believe that the system has been~~
34 ~~compromised may be based on, but is not limited to, evidence~~
35 ~~gathered either of the following:~~

36 ~~(1) During a visual inspection performed pursuant to this section.~~

37 ~~(2) As a result of an inspection performed following complaints~~
38 ~~of water quality or flow conditions consistent with a compromised~~
39 ~~system.~~

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1 ~~(e) The testing shall be conducted in accordance with the method~~
2 ~~described in the report submitted pursuant to Section 60314 of~~
3 ~~Title 22 of the California Code of Regulations. The inspections~~
4 ~~and the testing shall be performed by a cross-connection control~~
5 ~~specialist certified by the California-Nevada section of the~~
6 ~~American Water Works Association or an organization with~~
7 ~~equivalent certification requirements. A written report documenting~~
8 ~~the result of the inspection or testing for the prior year shall be~~
9 ~~submitted to the department within 30 days following completion~~
10 ~~of the inspection or testing.~~

11 ~~(d) The recycled water agency shall notify the department of~~
12 ~~any incidence of backflow from the dual-plumbed recycled water~~
13 ~~system into the potable water system within 24 hours of the~~
14 ~~discovery of the incident.~~

15 ~~(e) Any backflow prevention device installed to protect the~~
16 ~~public water system serving the dual-plumbed recycled water~~
17 ~~system shall be inspected and maintained in accordance with~~
18 ~~Section 116603 of the Health and Safety Code.~~

19 ~~13529.9. (a) (1) The Legislature finds and declares that~~
20 ~~Sections 60301.160, 60301.170, 60301.250, 60301.320, 60301.660,~~
21 ~~60301.740, 60304, 60307, 60310, 60313, 60315, and 60316 of~~
22 ~~Title 22 of the California Code of Regulations are inconsistent~~
23 ~~with Sections 13529.5 to 13529.8, inclusive.~~

24 ~~(2) The State Department of Public Health shall not apply the~~
25 ~~regulations specified in paragraph (1) and shall repeal them.~~

26 ~~(b) The State Department of Public Health shall apply Sections~~
27 ~~13529.5 to 13529.8, inclusive, unless the State Department of~~
28 ~~Public Health makes a finding that the adoption of different water~~
29 ~~recycling criteria provisions is required by circumstances that are~~
30 ~~changed from those prevailing on January 1, 2014.~~

31 ~~(c) If the State Department of Public Health makes the finding~~
32 ~~described in subdivision (b), the State Department of Public Health~~
33 ~~shall adopt new regulations for the purposes of Article 4~~
34 ~~(commencing with Section 13520) in accordance with the~~
35 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
36 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
37 ~~Code). Regulations adopted pursuant to this subdivision shall~~
38 ~~prevail over the provisions in Sections 13529.5 to 13529.8,~~
39 ~~inclusive.~~

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